Council President Baldwin called the regular meeting to order at 7:32pm.

Borough Clerk read the following statement: "Pursuant to Section 5 of the Open Public Meetings Act, adequate notice of this meeting has been provided by posting on the bulletin board at Borough Hall and by notification to the Asbury Park Press, the Newark Star Ledger, and the Coaster at least 48 hours prior to this meeting."

ROLL CALL

PRESENT: Ms. Fama, Mr. Manginelli, Mr. Pak, Mr. Baldwin ABSENT: Mr. Roche ALSO PRESENT: Maureen L. Muttie, Borough Clerk Brian Nelson, Director of Law Gerald Turning, Sr., Mayor Elizabeth Perez, Interim Borough Administrator Thomas Fallon, Director of Finance Thomas Neff, Borough Engineer

All present stood for salute to the flag.

APPROVAL OF MINUTES- None

<u>REPORT OF MAYOR/COUNCIL/ADMINISTRATION</u>

Mayor's Report - Gerald Turning- No report

Engineer's Report – Thomas Neff – Mr. Neff advised that paving was completed last week on Wayside Road South. He also advised that this week the paving of Swimming River Road would be complete. The next road to be paved will be the eastern portion of Asbury Avenue.

Mr. Neff stated that a new NJDOT grant that was just announced, that focuses on warehouse distribution centers. He stated that they are looking at the Stavola Asphalt plant, and what could be applied to upgrading Hamilton Road.

Finance Director - Thomas Fallon- Mr. Fallon gave an update on the 2018 budget process.

Administrator – Elizabeth Perez- Ms. Perez advised of an informational meeting for the Police Department's new Explorer Program. She also advised of the Recreation Department's annual Halloween event, and basketball registration. Ms. Perez also gave an update on the status of the library, stating that there has been meetings with contractors.

Director of Law - Brian Nelson- No Report

Borough Clerk's Report - Maureen L. Muttie- No report

Council's Report

Ms. Fama expressed her content with the Borough's Community Day, and thanked Administration, the Police Department, and Councilman Pak for his leadership.

Mr. Manginelli spoke about Tinton Falls' Clean-up Day, and thanked the volunteers that helped and DPW for the supplies.

Mr. Pak expressed that Community Day was a huge success, and thanked the many departments and individuals that supported the event.

Mr. Baldwin stated that the Planning Board met on October 10th, with an application from Toll Brothers to add patios to five more lots in the development. Mr. Baldwin also advised that the Planning Board discussed the timeline for the 2017 Master Plan Re-Examination Report.

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ORDINANCES FOR INTRODUCTION

Ms. Muttie read Ordinance No. 2017-1420 entitled:

ORDINANCE AUTHORIZING THE GRANT OF A DEED OF OPEN SPACE EASEMENT TO THE COUNTY OF MONMOUTH OF BOROUGH-OWNED LOT KNOWN AS BLOCK 142.50, LOT 1.04

WHEREAS, the Borough of Tinton Falls is the sole owner in fee of a tract of land in the Borough of Tinton Falls, Monmouth County, New Jersey, known as Block 142.50, Lot 1.04, on the Tax Map of the Borough of Tinton Falls ("Property"); and

WHEREAS, the Property possesses park, recreation and open space values of great importance to the people of the County of Monmouth; and

WHEREAS, the Borough agrees that the park, recreation and open space values of the Property be preserved in perpetuity; and

WHEREAS, the County of Monmouth ("County") is a body politic and corporate of the State of New Jersey empowered pursuant to N.J.S.A. 40:32-2.1 to acquire interests in land and hold same for public park, recreation and public purposes; and

WHEREAS, the County has made a financial investment in the Property through the Monmouth County Municipal Open Space Grant Program by providing the Borough the grant of \$250,000.00 for the purchase of the Property; and

WHEREAS, the Borough further agrees, as the owner of the Property, to convey to the County an Open Space Easement to preserve and protect the park, recreation and open space values of the Property in perpetuity.

NOW, THEREFORE, be it ordained by the Mayor and Borough Council of the Borough of Tinton Falls in the County of Monmouth and State of New Jersey that:

SECTION 1.

Pursuant to N.J.S.A. 40:12-15.6c and N.J.S.A. 40:12-15.6d, the Mayor and Borough Clerk are hereby authorized and directed to execute the Deed of Open Space Easement from the Borough to the County attached hereto and made apart hereof as **Exhibit A**.

SECTION 2.

The conveyance authorized pursuant to Section 1 hereof shall be subject to the provisions of adequate property descriptions by the Borough Engineer.

SECTION 3.

If any selection, subsection, paragraph, sentence or any other part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance.

SECTION 4.

All ordinances or parts or ordinances which are inconsistent with the provisions of this Ordinance shall be and are hereby to the extent of such inconsistency repealed.

SECTION 5.

This Ordinance shall be effective immediately upon adoption pursuant to law.

Mr. Pak offered a motion to introduce Ordinance No. 2017-1420, seconded by Mr. Manginelli.

ROLL CALL

AYES: Ms. Fama, Mr. Manginelli, Mr. Pak, Mr. Baldwin NAYS: None ABSENT: Mr. Roche ABSTAIN: None

ORDINANCES FOR FINAL CONSIDERATION

Ms. Muttie read Ordinance No. 2017-1419 entitled: ORDINANCE AMENDING TOWING DEFINITIONS

Mr. Pak offered a motion to open the Public Hearing on Ordinance No. 2017-1419, seconded by Ms. Fama.

ROLL CALL AYES: Ms. Fama, Mr. Manginelli, Mr. Pak, Mr. Baldwin NAYS: None ABSENT: Mr. Roche ABSTAIN: None

PUBLIC HEARING OPEN

Patrick Mulvenna, 11 Rebecca Ann Court- asked if this ordinance was in regard to Greenbriar Falls. Mr. Baldwin clarified that this was not the topic of the Ordinance on the table.

There being no further comments from the public, Mr. Pak offered a motion to close the Public Hearing on Ordinance No. 2017-1419, seconded by Ms. Fama.

ROLL CALL

AYES: All in Favor NAYS: None ABSENT: Mr. Roche ABSTAIN: None

PUBLIC HEARING CLOSED

Mr. Pak offered a motion to adopt Ordinance No.2017-1419, seconded by Mr. Manginelli.

ROLL CALL

AYES: Ms. Fama, Mr. Manginelli, Mr. Pak, Mr. Baldwin NAYS: None ABSENT: Mr. Roche ABSTAIN: None

PUBLIC DISCUSSION

Mr. Pak offered a motion to open the Public Discussion, seconded by Ms. Fama.

ROLL CALL AYES: All in Favor NAYS: None ABSENT: Mr. Roche ABSTAIN: None

PUBLIC DISCUSSION OPEN

Mike Nesci, 16 Linda Lane- Mr. Nesci stated that he is currently a resident of Oceanport, and that his family would like to move back into Tinton Falls. He inquired about 2010 Wayside Road, and possibly getting the land re-assessed. Mr. Baldwin advised Mr. Nesci to speak with the Zoning Officer as a first step in this process.

Rosemarie Kochman, 38 Norwood Drive- Ms. Kochman references an article in the Asbury Park Press regarding the Tinton Falls Library, stating that the article claims the library receives \$340,000 annually from the Borough. She further stated that this number was recorded in the minutes of the September 5, 2017 Council meeting. Discussion ensued regarding the amount of money that is appropriated to the Borough for the library, and some of the costs that the Borough covers. Mr. Fallon indicated that the amount quoted is incorrect, and Mr. Baldwin stated that it would be looked into.

Scott, Tinton Falls resident for 19 years- Spoke about the library's importance and asked for a timeline for any decision. Mr. Baldwin replied that it it's an expensive and timely process, and once the Borough accumulates the cost it will be announced and a decision will be made.

Nina Bell, 19 Majestic Drive- Ms. Bell asked for an explanation of the Performance Bonds at Greenbriar Falls. Mr. Neff defined a Performance Bond, and what is and is not covered by the bond. Ms. Fama asked Mr. Neff to define stabilization, and Mr. Neff defined same.

Patrick Mulvenna, 11 Rebecca Ann Court- Mr. Mulvenna expressed his concern with the drainage of the Greenbriar Falls site among other concerns including dying trees. Discussion ensued between Mr. Neff and Mr. Mulvenna regarding his concerns.

Gary Marks- 24 Mineral Springs Lane- Mr. Marks expressed his disapproval with the job Lennar has done with the Greenbriar Development, and feels they will do a sub-par job on the Fort Monmouth development as well. Mayor Turning and Mr. Baldwin commented on Lennar developing the Fort Monmouth parcels in Tinton Falls.

Charles Ingolglia, 33 Mineral Springs Lane- Mr. Ingolglia spoke about Lennar not meeting their expectations and urged Council to not release their Performance Bonds.

Donald Macneal, 1 Edwards Farm Lane- Mr. Macneal spoke about the incomplete irrigation system surrounding his property. He further quoted the Greenbriar brochure and how he feels that the work completed does not match what they were promised.

Christine Anderson, 17 Cranberry Drive- Ms. Anderson spoke about the importance of Tinton Falls having its' own library and the many benefits it offers to the community.

Frank Day, 10 Chelsea Court- Mr. Day spoke about his concerns with releasing the Performance Bonds to Lennar, which include: the gate on Hance Ave. malfunctioning, grading and drainage issues. Mr. Neff discussed these concerns with Mr. Day.

Ellen Goldberg, 90 Glenwood Drive- Ms. Goldberg commented that Community Day was a huge success, and she is proud of the number of residents that attended. She also commented on the success of Tinton Falls Cleanup Day. Ms. Goldberg stated that she is also here to discuss the library, and how it is near and dear to her heart. She mentioned that fundraising could be an option to help minimize the cost.

Nina Bell, 19 Majestic Drive- Ms. Bell wished to clarify that the gates to Greenbriar Falls were in working order until further work began. Discussion ensued regarding the gates' functionality.

Mr. Pak offered a motion to close the Public Discussion, seconded by Mr. Manginelli.

ROLL CALLAYES: All in FavorNAYS: NoneABSENT: Mr. RocheABSTAIN: None

PUBLIC DISCUSSION CLOSED

MISCELLANEOUS BUSINESS FOR THE GOOD OF THE ORDER -

Ms. Fama thanked Ms. Perez for the update on the library, and asked if there will be an estimate on costs by the end of the year. Ms. Perez spoke about what has been done so far to determine the cause of the damage. Mr. Neff added that the Department of Public Works is taking care of the removal of the trailer, and determining the associated costs. Mr. Neff further stated that an environmental specialist from T&M has been to the site with the Director of DPW, and preliminarily suspects that the HVAC system has impacted the damage in the library and would need to be replaced. Ms. Fama indicated that there will only be one Council Meeting in November and asked that there be an update on the progress at that meeting. Mayor Turning emphasized that the Borough is working on getting estimates for the repairs.

Mr. Manginelli spoke about Lennar and the Greenbriar Falls community, in which he currently resides. He stated that he is actively keeping an eye on any issues and is in communication with Lennar regarding same.

Mayor Turning commented on Community Day, thanking the Police Department, volunteers and vendors whom made the day a success.

Mr. Baldwin stated that the November 21st meeting will be moved to November 13th.

RESOLUTIONS

Mr. Pak offered a motion to approve Resolution R-17-204, seconded by Mr. Fama.

ROLL CALL AYES: Ms. Fama, Mr. Pak, Mr. Baldwin NAYS: None ABSENT: Mr. Roche ABSTAIN: Mr. Manginelli

<u>R-17-204</u> RESOLUTION RELEASING PERFORMANCE GUARANTEE UPON THE POSTING OF MAINTENANCE GUARANTEE- GREENBRIAR FALLS- PHASE IB BLOCK 16, LOT 1 & BLOCK 19, LOT 11.01

WHEREAS, the developer has requested the release of Performance Guarantee posted for Greenbriar Falls – Phase IB, Block 16, Lot 1 & Block 19, Lot 11.01; and

WHEREAS, by letter dated October 12, 2017, the Borough Engineer (T&M Associates) has recommended the release of the guarantee as the developer has completed all of the improvements subject to the posting of the required maintenance guarantee as set forth in said letter (said letter hereby attached and made part of this Resolution) and the payment of any and all outstanding engineering and inspection fees.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that Performance Guarantee and remaining engineering escrow fees for Greenbriar Falls – Phase IB, Block 16, Lot 1 & Block 19, Lot 11.01 be released subject to the posting of the required maintenance guarantees and the payment of any and all outstanding engineering and inspection fees.

Ms. Fama indicated that she is not happy with releasing the bonds to Lennar with the totality of the situation being so involved. She further stated that she does not know enough about the requirements in the different phases to vote no.

Mr. Nelson stated that there is no legality that dictates how you should vote, however the decision could create a liability for the Borough. Mr. Neff confirmed that the requirements for Phase 1B have been met and he recommends the bond be released.

CONSENT AGENDA

Mr. Pak offered a motion to approve the Consent Agenda, seconded by Mr. Manginelli.

ROLL CALL (to approve Consent Agenda) AYES: Ms. Fama, Mr. Manginelli, Mr. Pak, Mr. Baldwin NAYS: None ABSENT: Mr. Roche ABSTAIN: None

<u>R-17-200</u> RESOLUTION AUTHORIZING APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE FOX CHASE DRIVE RESURFACING PROJECT

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of Tinton Falls formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2018-Fox Chase Drive Resurfacing-0026 to the New Jersey Department of Transportation on behalf of the Borough of Tinton Falls.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Tinton Falls and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

<u>R-17-201</u> RESOLUTION AUTHORIZING THE AWARD OF CONTRACT FOR PROFESSIONAL BOND COUNSEL SERVICES CONTRACT PS #1-17

WHEREAS, the Borough of Tinton Falls has a need for professional Bond Counsel Services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5 for the remainder of 2017; and

WHEREAS, such professional legal services can only be provided by licensed professionals in accordance with the Local Public Contracts Law, NJSA 40A:11-5(1)(a), and the firm of Archer & Greiner P.C., 10 Highway 35, Red Bank, NJ 07701 is so recognized; and

WHEREAS, this contract is to be awarded for the unit price or fixed fee amounts listed and hourly rates in the proposal for a total not to exceed \$10,000.00; and

WHEREAS, Local Public Contracts Law, NJSA 40A:11-1 et seq. requires that notice with respect to contracts for professional services awarded without competitive bids must be publicly advertised.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that the firm of Archer & Greiner P.C., 10 Highway 35, Red Bank, NJ 07701 is hereby retained to provide professional bond counsel services for the unit price or fixed fee amounts and hourly rates listed in their proposal, for a total not to exceed \$10,000.00 with the term expiring December 31, 2017.

I hereby certify funds are available from: Law Consultants - Bonding Attorney

<u>**R-17-202</u>** RESOLUTION AUTHORIZING RENEWAL OF ONE (1) YEAR CONTRACT WITH ASSOCIATED HUMANE SOCIETIES FOR ANIMAL CONTROL SERVICES FOR THE YEAR 2018</u>

WHEREAS, the Borough of Tinton Falls requires services for animal control on a daily basis as well as a facility to keep stray animals that are picked up, injured etc.; and

WHEREAS, the Associated Humane Societies, Inc., 2960 Shafto Road, Tinton Falls, NJ 07753, provides the services required as detailed in the contract attached hereto and made part hereof; and

WHEREAS, this is a one (1) year contract at the rate of \$2,559.00 per month for a total of \$30,708.00 for one year as well as other miscellaneous fees included in the attached contract; and

WHEREAS, this rate has remained the same for the past five (5) years.

NOW, THEREFORE BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls in the County of Monmouth, State of New Jersey as follows:

1) That the Mayor and Borough Clerk are hereby authorized and directed to enter into a one (1) year contract with Associated Humane Societies, 2960 Shafto Road, Tinton Falls, NJ 07753 for the provision of animal control services for the fees set forth therein; and

2) That a copy of this Resolution be forwarded to the Monmouth County Regional Health Commission #1 along with a copy of the executed contract.

I hereby certify funds are available contingent upon the necessary funds being appropriated by the governing body in the 2018 budget from: Animal Control

<u>R-17-203</u> RESOLUTION – AUTHORIZING MAYOR AND MUNICIPAL CLERK TO EXECUTE AN AGREEMENT WITH THE COUNTY OF MONMOUTH – SPECIAL CITIZENS AREA TRANSPORTATION SYSTEM

BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that the Mayor and Municipal Clerk are hereby authorized to execute a Food Shopping Agreement with the County of Monmouth for Special Citizens Area Transportation System (S.C.A.T.) for 2018.

<u>R-17-204</u> Approved separately under Resolution portion

<u>**R-17-205</u>** RESOLUTION - AUTHORIZING THE CHIEF FINANCIAL OFFICER, BOROUGH ADMINISTRATOR AND DIRECTOR OF LAW TO PURCHASE TAX SALE CERTIFICATE(S) FROM THE BOROUGH'S TAX SALE WITH RESPECT TO AFFORDABLE HOUSING UNITS</u>

WHEREAS, the sale of tax sale certificates to third parties could jeopardize the Borough's Affordability controls that are included as part of the Borough's Fair Share Plan pending substantive certification before the Council On Affordable Housing ("COAH"); and

WHEREAS, persons so designated to bid on the referenced tax sales are the Borough Administrator, Chief Financial Officer and Director of Law.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that

the Chief Financial Officer, Borough Administrator, & the Director of Law be and are hereby authorized to purchase the tax sale certificate(s) for any affordable housing units listed in the Borough's Tax Sale Notice at the Tax Sale to be held in the Borough on December 6, 2017. Funds for said purchase will be provided for from the Borough's Affordable Housing Trust Fund.

R-17-206 RESOLUTION REFUNDING STREET OPENING BOND

WHEREAS, On February 7, 2015, Roto-Rooter & Drain Service of Monmouth County, 3300 Shafto Road, Suite B, Tinton Falls, NJ 07753 posted a \$400.00 street opening cash repair deposit for a sewer connection at 349 Essex Road; and

WHEREAS, said funds were deposited by the by the Borough of Tinton Falls; and

WHEREAS, Roto-Rooter & Drain Service of Monmouth County has completed the work described in Street Opening Permit 2015-11-001; and

WHEREAS, the Department of Public Works has inspected street opening work, finds the site to be in compliance with Borough requirements, and the Director of Public Works recommends the release of the cash bond.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls, that the street opening cash repair deposit in the amount of \$400.00 posted by Roto-Rooter & Drain Service of Monmouth County be released.

<u>R-17-207</u> RESOLUTION REFUNDING STREET OPENING BOND

WHEREAS, On May 16, 2016, Roto-Rooter Sewer & Drain Service of Monmouth County, 3300 Shafto Road, Suite B, Tinton Falls, NJ 07753 posted a \$400.00 street opening cash repair deposit for a sewer connection at 309 Essex Road; and

WHEREAS, said funds were deposited by the by the Borough of Tinton Falls; and

WHEREAS, Roto-Rooter Sewer & Drain Service of Monmouth County has completed the work described in Street Opening Permit 2015-11-002; and

WHEREAS, the Department of Public Works has inspected street opening work, finds the site to be in compliance with Borough requirements, and the Director of Public Works recommends the release of the cash bond.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls, that the street opening cash repair deposit in the amount of \$400.00 posted by Roto-Rooter & Drain Service of Monmouth County be released.

<u>R-17-208</u> RESOLUTION – REFUNDING ESCROW FEES – VERIZON NEW 1683 CO

WHEREAS, the following listed applicant has posted consultant escrow fees in conjunction with various Land Use Applications in accordance with the Borough of Tinton Falls Land Use Ordinance; and

WHEREAS, the Zoning Board of Adjustment Secretary, Colleen Connolly, has certified the following listed applicant's account are deemed closed and no additional funds for consultants will be required; and

WHEREAS, the Director of the Department of Audit, Accounts & Control has certified said funds are available for release.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the consultant escrow fees, plus any accrued interest, are hereby authorized to be released for the following applicant:

Verizon Communications NEW 1683 CO \$2,850.96 plus any accrued interest

<u>R-17-209</u> RESOLUTION – REFUNDING ESCROW FEES – VERIZON VER5281CO

WHEREAS, the following listed applicant has posted consultant escrow fees in conjunction with various Land Use Applications in accordance with the Borough of Tinton Falls Land Use Ordinance; and

WHEREAS, the Zoning Board of Adjustment Secretary, Colleen Connolly, has certified the following listed applicant's account are deemed closed and no additional funds for consultants will be required; and

WHEREAS, the Director of the Department of Audit, Accounts & Control has certified said funds are available for release.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Tinton Falls that the consultant escrow fees, plus any accrued interest, are hereby authorized to be released for the following applicants:

Verizon Communications VER 5281 CO \$2,747.61 plus any accrued interest

<u>R-17-210</u> RESOLUTION - REFUNDING TAX OVERPAYMENT

WHEREAS, an overpayment of 2017 3rd quarter taxes on the following property has been paid in error creating an overpayment by the Mortgage Company and by the Homeowner; and

Name	<u>Block</u>	Lot	Amount
Aaron Vascimini & C. Scheumeister 19 Kyle Drive Tinton Falls, NJ 07712	120.05	30	\$125.94

WHEREAS, said error has resulted in an overpayment of 2017 3rd quarter taxes paid in the amount of \$125.94, as certified by the Borough Tax Collector.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls that a refund in the amount of \$125.94 is hereby approved for the aforementioned property.

<u>R-17-211</u> RESOLUTION – APPROVAL OF BILLS – OCTOBER 17, 2017

WHEREAS, the Borough of Tinton Falls received certain claims against it by way of vouchers received during the period ending October 17, 2017; and

WHEREAS, the Borough Council has reviewed said claims.

NOW, THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Tinton Falls, County of Monmouth, that the following claims be certified by the Chief Financial Officer for approval and payment.

SUMMARY

GENERAL	\$	136,420.59
SEWER UTILITY		55,734.52
GRANT FUND		2,983.20
TRUST FUNDS		62,486.89
DOG TRUST		11.40
ESCROW		3,628.50
ADDITIONS		1,307,256.38
	-	

1,568,521.48

EXECUTIVE SESSION - None

ADJOURNMENT

Mr. Pak offered a motion to adjourn, seconded by Mr. Manginelli.

ROLL CALL

AYES: All in Favor NAYS: None ABSENT: Mr. Roche ABSTAIN: None

TIME: 8:49 p.m.

Respectfully Submitted,

Maureen L. Muttie, Borough Clerk

APPROVED AT A MEETING HELD ON: September 4, 2018